App.F.IX-4]

1924-5 File No. STA 75-24

Previous References. (STA.) Serial Nos. 1+2.

Anegondi Pallegar Family File No. 43.

Later references.

S.P. 40-25-1 to 4 + 10 + 11.

S.P. 289-27-12.

S.P. 7-42-1 — estimate sanctioned

Preserve for 25 (5)

GENERAL AND REVENUE SECRETARIAT.

S.P. 3-45 (1 to 4)

S.P. 4-46 (1, 2, 3)

S.P. 8-47-12

Serial Nos. 2.

Part B for July 1920.

SUBJECT

Submits his report of enquiry on the petition of one Kaveramma, widow of Chamaraj Urs of Anegondi Pallegar Family Pensioner, praying for the registry of her husband's share of pension in her name.

Secy. to The Comptroller to Govt.

No. FL 132 dated 8th July 1925

Sanctions the Comptroller's proposal to register Kaveramma as a separate Barawardar of her deceased husband's share of pension (viz Rs 15/14-)

AP 17/7

General and Revenue Secretariat.

SSA File No. 75 of 1924

Serial No. 1

From Comptroller, No 4002 of 20.1.25. Forwards his report of enquiry on the petition of one Kaveriammall, widow of Chamaraj Urs. of Bhemudi Family praying for the registry of her husband's share of pension in her name.

In G.O. of 9.IX.1893 the Pallegar pension of Rs 63-8-10 drawn by late Subbarajiah was registered in the name of the eldest son — Krishnaraj Urs. for the benefit of all the brothers — 6 in all (vide Genealogical Table - ~~need not~~

The petitioner — Kaveriammall is the widow of No 3 - Chamaraj Urs, who complains that the Baramahal is not distributing her share of pension regularly & prays for the separate registry of her share in her name & paid to her direct.

The Baramahal & other surviving members object to the grant of the full pension to her — as she is leading a questionable life, ~~but they~~ and she may be allowed some subsistence allowance.

The Comptroller requests orders as to whether the pension may be divided into four equal shares of the

NOTE — Contn. Sheet

Petn...

G.R.S. III-2]

File No. of 19 . Financial and Revenue Secretariat

Serial No.

Kaveriammall – be allowed 1/4 Share and registered as Barawardar of the deceased husband's share of pension:

1. Krishnaraj Urs.
2. Yogaraj Urs
3. Sons of late Basavaraj Urs } Rs 47-10-8
4. Kaveriammall ——— 15-14-2

Total Rs 63-8-10

Submitted for orders.

11/2 for the reasons stated in the Comptr's letter under despatch a round sum of pension of Rs 15/- may be ordered to be disbursed by the Barawardar to the widow of Cheennaraja Urs. The petitioner need not be registered as a separate Barawardar as proposed by the Comptr

7/2/25 As the case involves questions of law it is forwarded to the Secy Law Dept for favour of opinion.

13/2/25 Mull

14-2-25

My opinion is herewith sent.

Mull 20/4

20/4

FINANCIAL SECRETARIAT 22 APR 1925

NOTE—Contn. Sheet

Opinion in regard to pension of Anegondi Family.

.....

The facts stated in the paper under reference are that a pension of Rs.63 and odd held by the late Subbarajiah of Anegondi was registered in the name of Krishnaraj Urs the eldest male member of the family for the benefit of the brothers namely (1) Krishnaraj Urs (2) Basavaraj Urs (3) Chamaraj Urs (4) Vengamaraja Urs (5) Yogaraj Urs and (6) Putta Raj Urs. Of these brothers one became a christian and the other a - - - Muhammadan. Of the remaining four brothers Channaraj Urs died about 12 years ago leaving a widow, the petitioner and no issue. The widow of Channaraj Urs alleges that the Barawadar has not been disbursing her portion of the pension regularly and prays that it may be registered in her name separately and disbursed to her direct. But the Barawardar and the other representative of the family in receipt of the pension object to the petition and state that the petitioner, a young woman of about 25 years has not been leading a respectable life, has been living apart and not under the protection of any of the family members and that she may therefore be allowed only a subsistance allowance and not granted the full amount of her husband's pension.

The questions that call for decision are:-

Firstly whether the plea of unchastity is proved by clear and cogent evidence.

Secondly what is the effect of ~~xxx~~ ~~xxxxx~~ unchastity (if proved) upon her right to maintenance.

As regards the second question there are three views entertained.

The first view is that with her unchastity her allowance should be reduced but not cancelled altogether.

The second view is that it is (not forfeited) ~~feitured~~ altogether.

The third view favours its suspension with the possibility of its resumption upon the widow reforming her ways. According to the latest view of both the Bombay and Madras High Courts, unchastity is a good ground for reducing maintenance to a ~~surviving~~ starving allowance but it does not justify its total or complete withdrawal and if the widow afterwards reforms and is repented of, she is entitled to her previous allowances (Vide 39 Madras 658 and 3 Bombay 278.)

In the present case it is not known when she committed adultery, if at all, and whether she has reformed since. Hence it is difficult to give an opinion ~~upon~~ the present state of affairs.

~~Secondly~~ On the first question it is clear that the person who raises the plea of adultery or unchastity is bound to prove it by clear and cogent evidence and not merely by evidence which points to a vague suspicion which might be fastened ~~upon~~ upon an young widow by interested and jealous relatives, or such as it is, easy ~~was~~ to arouse ~~to an~~ by idle gossip. What is alleged

in this case is that she has not been leading a respectable life and has been living apart and not under the protection of any of the family members.

In the first place there is no evidence or cogent proof being adduced to prove her unchastity. It is not for the Government or the officer who registers to enquire into this matter. If the parties ~~shouldxdamnify~~ are damnified by any order by Government it is open to them to prove in a court of law that she is unchaste and in consequence lost her right to maintenance. After adjudication on this question, the Govt. may be asked to give effect to the decision.

On the second point the law is that if she is living apart from her husband's family for immoral or improper reasons the widow loses her right of maintenance. ~~As in the last~~ It is necessary to prove that she is leading an improper or immoral life. This cannot be enquired into by Government.

In the present case I find that this is a Polegar pension given to ~~it~~ the member of Anegondi family in view of Palyapet lands (Vide Flag C). The succession to this pension is governed by Hindu law. The rule of succession to Palyapet lands has been extended to Mysore Palyagars (Vide Minute of Sir K. Seshadri Iyer dated 29th October 1887) From the history of Mysore Palyagars, it is clear that the policy of Government has all along been to continue the pension to the descendants of the original holders of the pension and the Government have con-

$ 2615
SJA 75-24.

continued the pension even to the ~~female lics of illitimate~~ female illegitimate sons in many cases.

For these reasons the proposal, namely, the petitioner to be registered a Barawardar of her deceased husband's share of the pension may be adopted & pai the pension as suggested by the Comptroller.

Draftsman
20.4.1925

H. Secy)
mad 22/4/25

Please put up draft approving Comptr's recommendation
mad 27.4.25

Draftsman submitted.
Mul Secy 30/4.
H. Secy)
mad 4/5/25

DEWAN'S OFFICE,
RECD. ON 23 MAY 1925
Reg. No. 8848.

Dewan (thro Chief Secy)
mad 21.5.25
by 23.5.25

Mr Ford
Y
J

mad 4.7.25

2) To Comptroller, H 132 of 8.7.25
Sanctions the registry of Kaveramma as a separate barawardar to draw her husband's pension.

31567

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

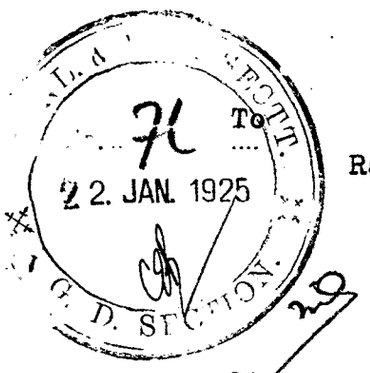
No. SHT.4062. / Rue: one. *Bangalore, dated* 20th January *1925.*

From

DIARY NO. 9635

T. SATYARAJ CHETTY, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

1924 – 1925
Section. A & a
File No. 75-24
Serial No. 1



To

Rajakaryaprasaktha M.N.Krishna Rao, Esq., B.A.,

Secretary to the Government of Mysore,
Financial Department.

Sir,

In submitting herewith the petition dated 3rd November'24, presented by Kaveramma, widow of the deceased Mr.Chamaraja Urs, Pollegar Pensioner of Anegondi Family, praying for the grant of her deceased husband's share of the pension to her, I have the honour to state as follows :-

Under Government Order No.9 dated 9/11th September 1893, a pension of Rs.63-8-~~0~~ 10 held by the late Subbarajiah of the Anegondi Family was registered in the name of Krishnaraj Urs, the eldest male member of the Family for the benefit of all the brothers, viz:

1. Krishnaraj Urs
2. Basavaraj Urs
3. Chamaraja Urs
4. Vengamaraja Urs
5. Yogaraj Urs

and 6. Putta Raj Urs

Of these, Nos.4 and 6 became converts to Christianity and Mohamadanism respectively and their whereabouts are not known. Of the remaining four brothers, Chamaraj Urs died about 12 years ago, leaving a widow, the petitioner and no issue. The petitioner alleges that the Barawardar has not been disbursing her portion of the pension regularly and prays that it may be registered in her name separately and disbursed to her direct. The Barawarddar and the other representatives of the members of the Family in receipt of the pension object to the petition and state that the petitioner, a young woman of about 25 years, has not been leading a respectable life, has been living apart and not under the protection of any of the Family members and that she may therefore be allowed only a subsistance

allowance and not granted the full amount of her husband's pension. It seems doubtful whether the principles of Hindu Law are applicable to claims to succession to Pollegar Pensions in all their fullness and strictness. It is not clear whether unchastity, which disentitles a widow to maintenance from the joint estate which has passed by survivorship to surviving copartners under Hindu Law, may be held to disentitle a Pollegar widow to a share in the joint undivided Pollegar Pension.

In the present case, no suggestion has been made that the petitioner has taken a second husband. The allegation, however, is made that the petitioner is leading a questionable life, and it is obviously a matter of considerable delicacy and difficulty to enquire into the ~~birth~~ truth of this allegation. In these circumstances, I request that orders of Government be passed as to whether the pension may be divided as follows and the petitioner registered as a Barawarddar of her deceased husband's share of the pension.

(1) Krishnaraj Urs Barawardar for himself and for the other copartners viz

		Rs.
1. Yogaraj Urs & (2) the sons of the late Basavaraj Urs	...	47 - 10 - 8
2. Kaveramma	...	15 - 14 - 2
	Total	Rs. 63 - 8-10

I have the honor to be,
Sir,
Your most obedient servant,

J. Satyanarayana
Comptroller.

Genealogical Tree of the Anegondi Pallejar Family showing the details mentioned in this office no: 4062 Dy 20/1/1925.

Putta Rajiah

Subbarajiah

(1) Krishna Raj Urs.
(Head Baravardar) getting a pension of Rs. 53-5-10.

P.K. Ranga Raj Urs

(2) Basavaraj Urs.
(died in 1918)
married

(1) Lakshmidevamma
(1st. wife)
dead

(1) Subba Raj Urs.

(2) Anegondi-Lakshamma
(2nd. wife surviving)

(3) Obanna Raj Urs. died
married
Kaveriammal
The petitioner under reference.
(No issue)

(2) Gopala Raj Urs.

(3) Narayana Raj Urs.

(4) Purushottama Raj Urs.

(4) Venkamma Raj Urs.
(Converted to Islamic)
Whereabouts not known

(5) Gopa Raj Urs.

(6) Putta Raj Urs.
(Converted to Mohammedanism)
Whereabouts not known.

1924

App.F.VI-G1.]

SUBJECT

Section SHA
File No. 75/24
Seria. No. 2

Diary No. of letter replied to 1115

~~No.~~

General and Revenue Secretariat
(SHA.)
, the 192

To Proceedings of Govt.

Date of issue 8.7.25

Signed by Jn M Venkatasubbayya

Read:

Letter No SHT 4002 dy 20th January 1925 from the Comptroller Submitting ~~for orders~~ the report on the petition of Kamaramma widow of Channaraj praying for the separate registry of her husband's share of pension in her name and requesting Sanction of Govt. to divide the family pension of ~~Rs~~ 63-8-10 as noted in the margin & the petitioner registered as a Brahmandar ~~of Govt~~ accordingly.

Order

over

List of enclosures

Copied by

Examined by

1) Thirthayya Son - Brahmandar for himself and for the other Coparceners viz. Yogaraj & Govt + the Sons of the late Brahmaraj Sons

Kamaramma ——— ₹ 47-10-8
₹ 15-14-2
Total ₹ 63-8-10

2)

Exhibit

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d:-

Letter No.S.H.T. 4062 dated the 20th January 1925 from the Comptroller, submitting the report on the petition of Kaveriamma widow of Channaraj Urs praying for the separate registory of her husband's share of pension in her name and requesting sanction of Government to divide the family pension of Rs.63-8-10 as noted in the margin and the petitioner being registered as a Barawardar ---

1.	Krishnaraj Urs - Barawardar for himself and for the other copartners viz., Yogaraj Urs and the sons of the late Basavaraj Urs.	...	Rs.47-10-8
2.	Kaveramma.	...	Rs.15-14-2
			Rs.63-8-10

separately.

ORDER.NO.Fl. 132/S & A 75-24-2 Exhi

Dated, Bangalore, the 8/14 July 1925.

The proposal of the Comptroller to register Kaveramma as a separate Barawardar of her deceased husband's share of pension is sanctioned.

M Venkatasa Iyengar

For Financial Secretary to Government,

Mal

To

The Comptroller to the Government of Mysore, returning the petition.

K.M.R.2.